

*IPW*

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ARNOLD & PORTER LLP

202.942.5000  
202.942.5999 Fax  
555 Twelfth Street, NW  
Washington, DC 20004-1206



October 25, 2004

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Art Unit: 1631  
Examiner: A.H. Marschel  
Conf. No.: 7754

Re: U.S. Patent Application Serial No. 09/987,899 filed November 16, 2001  
Inventors: Nordine CHEIKH *et al.*  
Title: **Nucleic Acid Molecules and Other Molecules Associated  
With the Carbon Assimilation Pathway**  
Atty. Dkt: 16517.258

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Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Response to Notice of Non-Responsive Communication mailed September 23, 2004;
2. Second Revised Response to Office Action mailed December 2, 2003; and
3. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any additional fees are due in conjunction with this filing. However, if any fees are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.258. A duplicate copy of this letter is enclosed.

Sincerely,

*[Handwritten signature of David R. Marsh and Thomas E. Holsten]*

David R. Marsh (Reg. No. 41,408)  
Thomas E. Holsten (Reg. No. 46,098)

Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

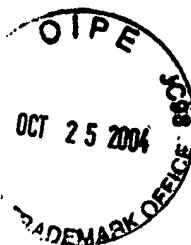
In re Application of:

Nordine CHEIKH *et al.*

Appln. No.: 09/987,899

Filed: November 16, 2001

For: Nucleic Acid Molecules and Other Molecules Associated with the Carbon Assimilation Pathway



Conf. No.: 7754

Art Unit: 1631

Examiner: A.H. Marschel

Atty. Docket: 16517.258

**Response to Notice of Non-Responsive Communication**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the notice of non-responsive communication mailed September 23, 2004, which alleged that Applicants failed to inactivate all of the hyperlinks in Applicants first response to notice of non-compliant communication mailed July 2, 2004, Applicants submit herewith a second amended copy of the Amendment and Response, which was first filed on March 2, 2004, and an accompanying transmittal letter. The response has been amended to remove active hyperlinks by amendments to the specification beginning on page 2 of the Response.

In view of the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance, and notice of such is respectfully requested. The Examiner is encouraged to contact the undersigned should any additional information be necessary for allowance.

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe that any fees in addition to those provided for in the accompanying documents, are due at this time. However, if any fees are required in the present application, including any fees for extensions of time, authorization to charge such fees is given in the accompanying transmittal letter.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)  
Thomas E. Holsten (Reg. No. 46,098)  
ARNOLD & PORTER LLP

Date: October 25, 2004

Correspondence Address:  
MONSANTO COMPANY  
Patent Department  
800 N. Lindbergh Boulevard  
Mailzone E2NA  
St. Louis, Missouri 63167



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Nordine CHEIKH *et al.*  
Appl. No.: 09/987,899  
Filed: November 16, 2001

Conf. No.: 7754  
Art Unit: 1631  
Examiner: Ardin H. MARSCHEL  
Atty. Docket: 16517.258

Title: Nucleic Acid Molecules and Other Molecules Associated with the Carbon Assimilation Pathway

**Second Revised Response to Office Action mailed December 2, 2003**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the Office Communication mailed September 23, 2004 indicating that the Applicant's response filed July 2, 2004 was non-responsive to the Office Action mailed December 2, 2003 (Paper No. 10) (hereinafter the "Office Action"), Applicants submit the following amendment and remarks.

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims that begins on page 4 of this paper.

**Remarks** begin on page 7 of this paper.